

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William MacLure	Team: Squad #11	CCRB Case #: 201810704	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/21/2018 6:37 AM	Location of Incident: [REDACTED]	Precinct: 73	18 Mo. SOL 6/21/2020	EO SOL 2/5/2021	
Date/Time CV Reported Wed, 12/26/2018 2:10 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/26/2018 2:10 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. An officer			Unknown
2. POM Christophe Maccarone	08142	956054	071 PCT
3. POM Cory Tizzio	05792	957220	071 PCT
4. DTS Terry Avent	01029	932280	E S U
5. POM Anderson Thimote	16504	957399	071 PCT
6. SGT Joseph Lafata	04931	935150	INT CIS
7. SGT Anthony Blum	00426	948681	071 PCT
8. POM Darryl Boodoo	02264	964400	073 PCT
9. POM Frank Beers	17641	945498	071 PCT
10. SGT Michael Ohalloran	04707	956137	060 PCT
11. POM John Mcmanus	15975	949309	071 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Andreas Sargent	24928	943785	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Maccarone	Abuse: Police Officer Christopher Maccarone entered § 87(2)(b) in Brooklyn.	[REDACTED]
B.POM Christophe Maccarone	Abuse: Police Officer Christopher Maccarone searched § 87(2)(b) in Brooklyn.	[REDACTED]
C.DTS Terry Avent	Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, Detective Terry Avent used physical force against § 87(2)(b).	[REDACTED]
D.DTS Terry Avent	Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, Detective Terry Avent used physical force against § 87(2)(b).	[REDACTED]
E. An officer	Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b).	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
F.POM Anderson Thimote	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Anderson Thimote threatened § 87(2)(b) with the use of force.	
G.POM Anderson Thimote	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Anderson Thimote threatened to notify Administration for Children's Services.	
H.SGT Joseph Lafata	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Sergeant Joseph Lafata threatened to notify Administration for Children's Services.	
I.POM Christophe Maccarone	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Christopher Maccarone refused to show the search warrant to § 87(2)(b)	
J.SGT Joseph Lafata	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Sergeant Joseph Lafata refused to show the search warrant to § 87(2)(b)	
K.POM Christophe Maccarone	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Christopher Maccarone refused to show the search warrant to § 87(2)(b)	
L.SGT Joseph Lafata	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Sergeant Joseph Lafata refused to show the search warrant to § 87(2)(b)	
M.SGT Joseph Lafata	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Sergeant Joseph Lafata threatened to arrest § 87(2)(b)	
N.POM Darryl Boodoo	Discourtesy: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Darryl Boodoo spoke discourteously to § 87(2)(b)	
O.POM Christophe Maccarone	Abuse: At the 71st Precinct stationhouse in Brooklyn, Police Officer Christopher Maccarone refused to show the search warrant to § 87(2)(b)	
P.SGT Joseph Lafata	Abuse: At the 71st Precinct stationhouse in Brooklyn, Sergeant Joseph Lafata refused to show the search warrant to § 87(2)(b)	
Q.POM Christophe Maccarone	Abuse: At the 71st Precinct stationhouse in Brooklyn, Police Officer Christopher Maccarone refused to show the search warrant to § 87(2)(b)	
R.SGT Joseph Lafata	Abuse: At the 71st Precinct stationhouse in Brooklyn, Sergeant Joseph Lafata refused to show the search warrant to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

Case Summary

On December 26, 2018, § 87(2)(b) filed this complaint with the CCRB over the phone on behalf of herself, her wife § 87(2)(b) her mother § 87(2)(b) and her children § 87(2)(b) and § 87(2)(b).

On December 21, 2018, at approximately 6:37 a.m., PO Christopher Maccarone and officers of the 71st Precinct entered and searched § 87(2)(b)'s home, located at § 87(2)(b) § 87(2)(b) in Brooklyn (**Allegations A and B: Abuse of Authority**, § 87(2)(g) Det. Terry Avent, of the Emergency Services Unit, allegedly slapped § 87(2)(b) and then placed her into handcuffs (**Allegation C: Force**, § 87(2)(g) Det. Avent allegedly pushed § 87(2)(b)'s head into her bed to wake her up (**Allegation D: Force**, § 87(2)(g) An officer pushed § 87(2)(b) to the ground (**Allegation E: Force**, § 87(2)(g) § 87(2)(b) asked the officers if her children could leave. PO Anderson Thimote, of the 71st Precinct, allegedly told § 87(2)(b) that he would throw her to the floor if she did not shut up (**Allegation F: Abuse of Authority**, § 87(2)(g) PO Thimote and Sgt. Joseph Lafata, of the 71st Precinct, allegedly threatened to call the Administration for Child Services (ACS) multiple times, telling § 87(2)(b) "If you want your kids to leave we can always call ACS" (**Allegations G and H: Abuse of Authority**, § 87(2)(g) § 87(2)(b) and § 87(2)(b) asked officers numerous times to see a search warrant, but PO Maccarone and Sgt. Lafata allegedly refused to show them the warrant (**Allegations I through L: Abuse of Authority**, § 87(2)(g) Sgt. Lafata asked § 87(2)(b) if she had anything in the house. § 87(2)(b) told Sgt. Lafata that she was in a methadone program and showed him her methadone card. Sgt. Lafata allegedly told § 87(2)(b) she was lucky he did not take her to jail for the methadone (**Allegation M: Abuse of Authority**, § 87(2)(g) PO Darryl Boodoo, of the 73rd Precinct, responded to the location to transport § 87(2)(b) and § 87(2)(b) to the 71st Precinct stationhouse. § 87(2)(b) was vomiting, and PO Boodoo told § 87(2)(b) "Stop that shit" (**Allegation N: Discourtesy**, § 87(2)(g) § 87(2)(b) and § 87(2)(b) were removed to the 71st Precinct stationhouse. At the 71st Precinct stationhouse, § 87(2)(b) and § 87(2)(b) requested to see the search warrant, but PO Maccarone and Sgt. Lafata allegedly never showed them (**Allegations O through R: Abuse of Authority**, § 87(2)(g) § 87(2)(b), § 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

BWC was received for PO Boodoo (Board Reviews 01-03).

This case was reassigned from Inv. Benjamin Shelton to the undersigned investigator on January 10, 2020 for closure.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Christopher Maccarone entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Police Officer Christopher Maccarone searched § 87(2)(b) in Brooklyn.

On December 21, 2018, at approximately 6:37 a.m., officers including Police Officer Maccarone, of the 71st Precinct, entered and searched § 87(2)(b) § 87(2)(b) in Brooklyn, pursuant to Kings County Search Warrant § 87(2)(b), which was signed by the

§ 87(2)(b), on § 87(2)(b), and was valid at the time of its execution (Board Review 04).

Officers may enter and search a location for which they have a valid search warrant and may do so without providing notice of their authority and purpose NYS Criminal Procedure Law Section 690.05, (Board Review 05).

§ 87(2)(b), § 87(2)(g)

Allegation (C) Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, Detective Terry Avent used physical force against § 87(2)(b)

Allegation (D) Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, Detective Terry Avent used physical force against § 87(2)(b)

§ 87(2)(b) testified (Board Review 06) that she and § 87(2)(b) were in their bedroom when officers entered the apartment. § 87(2)(b) attempted to wake § 87(2)(b) who was a heavy sleeper. Det. Avent and other officers entered the bedroom. The officers were in heavy gear and § 87(2)(b) could not provide individual descriptions of them, aside from Det. Avent. Det. Avent approached § 87(2)(b) and slapped her right cheek with an open hand. Det. Avent pushed § 87(2)(b) onto the bed and then placed her into handcuffs. After handcuffing § 87(2)(b) officers moved her into the hallway outside the bedroom. § 87(2)(b) witnessed Det. Avent holding § 87(2)(b)'s head with two hands and repeatedly pushing it into the bed. § 87(2)(b) woke up "enraged" while Det. Avent was pushing her head.

§ 87(2)(b) testified (Board Review 07) that she woke up to Det. Avent repeatedly pushing the left side of her face into the pillow. Det. Avent and another officer, who she could not clearly describe, lifted § 87(2)(b) slightly to remove her arm from under her. Det. Avent and the other officer placed § 87(2)(b) into handcuffs and then helped her to her feet.

No other civilian witnessed these allegations.

Det. Avent testified (Board Review 08) that he entered the bedroom with another officer, but he did not remember who. Det. Avent moved to § 87(2)(b)'s side of the bed. Det. Avent attempted to wake § 87(2)(b) up verbally, but she did not react. Det. Avent grabbed one of § 87(2)(b)'s hands, which was tucked under her body, and began to handcuff her. § 87(2)(b) pulled her hand away from Det. Avent and attempted to tuck it back under her body. Det. Avent maintained control of § 87(2)(b)'s hand. Within five to six seconds of trying to restrain § 87(2)(b) § 87(2)(b) jumped on Det. Avent's back and wrapped her arms around his upper chest, neck, and chin. Det. Avent moved his arm in a backstroke shrugging motion. § 87(2)(b) ceased contact with Det. Avent after approximately two seconds. Det. § 87(2)(b) pulled § 87(2)(b)'s other arm out from under her and placed her into handcuffs. Det. Avent and the other officer placed § 87(2)(b) into handcuffs. Det. Avent denied that he struck § 87(2)(b). He also denied making any contact with § 87(2)(b)'s head.

There was no video footage of or independent witness to this allegation.

§ 87(2)(b), § 87(2)(g)

Allegation (E) Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b)

§ 87(2)(b) testified that § 87(2)(b) informed her after the incident that an unidentified officer pushed her to the ground. § 87(2)(b) did not provide a description of the subject officer. § 87(2)(b) became uncooperative and did not schedule an interview for Jamiya, who was 9 years old during the incident.

No one who provided a statement to the CCRB witnessed this allegation.

§ 87(2)(b), § 87(2)(g)

Allegation (F) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Anderson Thimote threatened § 87(2)(b) with the use of force.

This allegation was pleaded against PO Thimote because he matched the description provided by § 87(2)(b) stated that the subject officer was wearing red Air Jordan sneakers. PO Thimote admitted he may have been wearing shoes similar to that description.

§ 87(2)(b) testified that § 87(2)(b) and § 87(2)(b) were crying, and she repeatedly asked the officers to allow the children to leave. PO Thimote was standing in the hallway with § 87(2)(b). PO Thimote threatened to throw § 87(2)(b) to the floor if she did not shut up.

No other civilian testified that PO Thimote threatened to use force against § 87(2)(b).

PO Thimote (Board Review 09) denied that he ever threatened to use force against § 87(2)(b) or anyone.

No officer testified that PO Thimote threatened to use force against § 87(2)(b).

There was no video footage of or independent witness to this allegation.

§ 87(2)(b), § 87(2)(g)

Allegation (G) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Anderson Thimote threatened to notify Administration for Children's Services.

Allegation (H) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Sergeant Joseph Lafata threatened to notify Administration for Children's Services.

These allegations were pleaded against PO Thimote and Sgt. Lafata because they matched the descriptions provided by § 87(2)(b) described one of the subject officers as the same in Allegation F. § 87(2)(b) described the other officer as a white male, standing approximately 5'11" tall, with a heavyset "fat" build, and slicked back hair that looked wet. Sgt. Lafata was the only officer who fit a similar description.

§ 87(2)(b) stated that, after she requested for her children to leave, PO Thimote and Sgt. Lafata threatened to call ACS six or seven times. PO Thimote and Sgt. Lafata told § 87(2)(b) that they could call ACS if she wanted her kids to leave.

No other civilian testified that officers threatened to call ACS.

PO Thimote and Sgt. Lafata denied that they ever threatened to call ACS. They did not mention ACS during the incident, nor did they hear any other officers mention ACS (Board Review 09 and 10).

§ 87(2)(g)

There was no video footage of or independent witness to this allegation.

§ 87(2)(g)

Allegation (I) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Christopher Maccarone refused to show the search warrant to § 87(2)(b)

Allegation (J) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Sergeant Joseph Lafata refused to show the search warrant to § 87(2)(b)

Allegation (K) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Christopher Maccarone refused to show the search warrant to § 87(2)(b)

Allegation (L) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Sergeant Joseph Lafata refused to show the search warrant to § 87(2)(b)

This allegation was pleaded against PO Maccarone because he was the requesting officer listed on the search warrant and had a copy during the incident. This allegation was also pleaded against Sgt. Lafata because as the immediate supervisor during the execution of the warrant, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) stated that she and § 87(2)(b) yelled asking all the officers in the apartment numerous times to see the search warrant, but no one presented one to them.

§ 87(2)(b), § 87(2)(g)

PO Maccarone (Board Review 11) did not remember if § 87(2)(b) or § 87(2)(b) asked to see the search warrant. PO Maccarone stated that their behavior was not conducive to showing the search warrant because they were yelling.

§ 87(2)(g)

No other officer recalled § 87(2)(b) or § 87(2)(b) requesting to see the search warrant at the apartment.

There was no video footage of or independent witness to this allegation.

§ 87(2)(b), § 87(2)(g)

Allegation (M) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Sergeant Joseph Lafata threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that the subject officer was a white male, with a heavy-set build and a big stomach, approximately 45 years old, in plainclothes, and identified himself as either a sergeant or supervisor. Sgt. Lafata was the only supervisor who matched this description.

§ 87(2)(b) testified (Board Review 12) that Sgt. Lafata asked if she had anything in the house. § 87(2)(b) told Sgt. Lafata that she was in a methadone program, showed him her methadone card, and showed him some extra methadone she had in a bottle. Sgt. Lafata told § 87(2)(b) that she was lucky he did not take her to jail for the methadone.

Sgt. Lafata denied that he ever threatened to arrest § 87(2)(b). Sgt. Lafata did not remember any discussion of methadone.

No other officer or civilian witnessed Sgt. Lafata threaten to arrest § 87(2)(b).

There was no video footage of or independent witness to this allegation.

§ 87(2)(b), § 87(2)(g)

Allegation (N) Discourtesy: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Darryl Boodoo spoke discourteously to § 87(2)(b)

Body-worn camera footage from PO Boodoo was obtained and it captures this allegation. In discussing the footage, the video player's durational timestamp will be referenced, not the onscreen timestamp. In one portion of footage, at approximately the 02:55 mark PO Boodoo is walking § 87(2)(b) to the police van. § 87(2)(b) states, "He's scared of throw up." § 87(2)(b) makes a coughing or vomiting noise. PO Boodoo tells § 87(2)(b) "Stop that shit. Stop that shit."

PO Boodoo (Board Review 13) initially denied that he told § 87(2)(b) to, "Stop that shit," or used any profanity. When presented with his BWC video, PO Boodoo confirmed that he heard himself tell § 87(2)(b) "Stop that shit." PO Boodoo was not able to explain why he used profanity.

Officers pledge to maintain a higher standard of integrity than is generally expected of others and respect the dignity of each individual, Patrol Guide Procedure 200-02, "Mission and Values of the New York City Police Department" (Board Review 14). Officers may be justified in using profanity to gain compliance with an order, DCT Case 79627/04 (Board Review 28).

§ 87(2)(b), § 87(2)(g)

Allegation (O) Abuse of Authority: At the 71st Precinct stationhouse in Brooklyn, Police Officer Christopher Maccarone refused to show the search warrant to § 87(2)(b)
Allegation (P) Abuse of Authority: At the 71st Precinct stationhouse in Brooklyn, Sergeant Joseph Lafata refused to show the search warrant to § 87(2)(b)
Allegation (Q) Abuse of Authority: At the 71st Precinct stationhouse in Brooklyn, Police Officer Christopher Maccarone refused to show the search warrant to § 87(2)(b)
Allegation (R) Abuse of Authority: At the 71st Precinct stationhouse in Brooklyn, Sergeant Joseph Lafata refused to show the search warrant to § 87(2)(b)

Allegations O and Q were pleaded against PO Maccarone because he was the requesting officer listed on the search warrant and was the arresting officer for § 87(2)(b) and § 87(2)(b) and had a copy of the search warrant. Allegations P and R were pleaded against Sgt. Lafata because he supervised the execution of the search warrant § 87(2)(g)

§ 87(2)(b) asked numerous officers to see a copy of the search warrant while she was in the holding cell at the 71st Precinct stationhouse. No officer ever showed her the search warrant.

§ 87(2)(b) asked PO Maccarone to see a copy of the search warrant while she was in the holding cells at the 71st Precinct stationhouse. PO Maccarone told § 87(2)(b) that the officers were looking for guns but did not show her a copy of the search warrant.

PO Maccarone acknowledged that he interacted with § 87(2)(b) and § 87(2)(b) in the cells. PO Maccarone did not recall if § 87(2)(b) or § 87(2)(b) asked to see the warrant when

they were at the 71st Precinct stationhouse. PO Maccarone was not aware of any officer refusing to show them a search warrant at the stationhouse.

Sgt. Lafata supervised PO Maccarone processing § 87(2)(b) and § 87(2)(b)'s arrests. Sgt. Lafata was not aware of either § 87(2)(b) or § 87(2)(b) requesting to see a copy of the search warrant at the 71st Precinct stationhouse.

No officer recalled whether § 87(2)(b) or § 87(2)(b) requested to see a search warrant at the stationhouse.

There was no video footage of or independent witness to these allegations.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) is a party (Board Review 22).
- This is the first CCRB complaint to which § 87(2)(b) is a party (Board Review 23).
- This is the first CCRB complaint to which § 87(2)(b) is a party (Board Review 24).
- PO Maccarone has been a member of the service for six years and has been the subject of four complaints and 14 allegations, none of which were substantiated. § 87(2)(g)
- Det. Avent has been a member of the service for 16 years and has been the subject of 10 complaints and 24 allegations, none of which were substantiated. Det Avent's CCRB history includes eight prior physical force allegations.
- PO Thimote has been a member of the service for five years and has been the subject of seven complaints and 21 allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Lafata has been a member of the service for 15 years and has been the subject of 18 complaints and 36 allegations. In CCRB case 201101753, an allegation of premises entered and/or searched was substantiated and Sgt. Lafata received command discipline. Sgt. Lafata had two prior allegations of refusal to show search warrant which were unsubstantiated.
- PO Boodoo has been a member of the service for two years. This was the first complaint filed against PO Boodoo.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of criminal convictions in New York City (Board Review 25).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of criminal convictions in New York City (Board Review 26).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of criminal convictions in New York City (Board Review 27).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date